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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/796,946

03/10/2004

Douglas J. Matzke

9350.6-1

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07/18/2008

MUNSCH, HARDT, KOPF & HARR, P.C.
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DALLAS, TX 75201

EXAMINER

WONG, LUT

ART UNIT

PAPER NUMBER

2129

MAIL DATE

DELIVERY MODE

07/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/796,946

Applicant(s)

MATZKE ET AL.

Examiner

LUT WONG

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to an AMENDMENT entered April 29, 2008 for the patent application 10/796946

The Office Action of Mar 20, 2008 is fully incorporated into this Office Action by reference.

Status of Claims

Claims 1-56 are pending.

Response to Arguments

Applicant's arguments, see pgs 13-17, with respect to 112 1st and 101 rejections of claims 1-56 have been fully considered and are persuasive. The rejections have been withdrawn.

Claim Rejections - 35 USC § 103

Claims 1-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levitin et al as evidenced by Matzke et al as set forth in the previous office action for reason of record.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

In re pg. 18-19, applicant argues that Matzke reference does not appear to qualify as prior art because of later publication date.

In response,

1) The Examiner would like to clarify that it is a single reference 103 rejection, not two references 103.

2) Matzke reference is applied as an evidential reference (See MPEP 2131.01) to show a) the meaning of a term used in the primary reference; b) inherent characteristic not disclosed in the primary reference.

In re pg. 17-18, applicant argues "the Examiner fails to establish that Levitin discloses any, much less all, of the claimed limitations".

1) In response to applicant's conclusory arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

2) The Examiner attempted to identify the nucleus of the invention (i.e. what did the applicant really invent) and focus the search and rejection on that nucleus. The Examiner believes such approach would expedite the prosecution and lead to compact prosecution. Hence, the Examiner strongly suggests the applicant argue why the difference in Levitin is non obvious rather than arguing why Levitin does not disclose limitations that are either immaterial or inherent.

3) Nevertheless, all the claimed limitation are addressed and explained below.

In re pg. 18, applicant argues

of Claims 1, 11, 21, 31-33, 37, 41, 45, and 46. For example, *Levitin* does not appear to disclose the claim limitations "imposing the plurality correlithm objects on the space to yield a combined point; comparing an imposed correlithm object to the combined point; and recovering the imposed correlithm object in accordance with the comparison to impose at least one correlithm object token in a shared resource, the at least one correlithm object token formed from a conversion of the number of bits and configured to reduce the inter-symbol interference between simultaneous agents during concurrent use of the shared resource" as recited in Claim 1 (emphasis added). Unless the Examiner can show that *Levitin* discloses all the limitations of Claim 1, general statements regarding the differences of the claimed invention as a whole and the prior art does not suffice to establish a *prima facie* case of obviousness. Accordingly,

In response,

1) the claim limitations "imposing the plurality correlithm objects on the space to yield a combined point" is nothing more than qubits ensemble (See Levitin's title on qubit ensemble). While the applicant is entitled to his/her own lexicographer, the term "correlithm objects" is nothing more than ensembled qubits (See Matzke's abstract and applicant's spec pg. 5 L5-10 for the definition).

2) the claim limitation "comparing an imposed correlithm object to the combined point"; and recovering the imposed correlithm object in accordance with the comparison to impose at least one correlithm object token in a shared resource" is nothing more than retrieving the individual points from the combined points (See applicant's spec pg. 10 L20-25 for such interpretation). Levitin teaches retrieving individual points (See e.g. Section 3 especially pg. 8 on evaluating individual information).

3) the claim limitation "the at least one correlithm object token formed from a conversion of the number of bits and configured to reduce the inter-symbol interference between simultaneous agents during concurrent use of the shared resource" is nothing

more than reducing distributions (See e.g. Section 3 especially pg. 8 on "reduced" distributions)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lut Wong whose telephone number is (571) 270-1123. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent David can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2129

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lut Wong/
Patent Examiner, AU 2129

/David R Vincent/
Supervisory Patent Examiner, Art Unit 2129